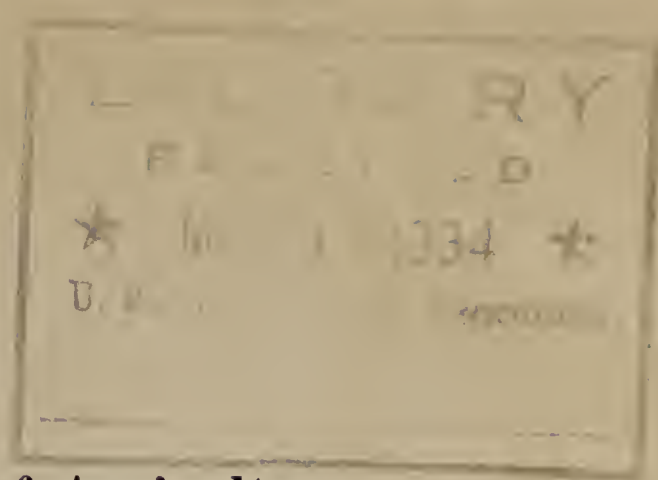


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# United States Department of Agriculture

## Bureau of Biological Survey

### MIGRATORY BIRD TREATY ACT REGULATIONS RELATING TO PROPAGATING PERMITS

#### Regulation 1.—Definitions of Migratory Birds

Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, are as follows:

**1. Migratory game birds:**

- (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae, or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae, or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.
- (e) Columbidae, or pigeons, including doves and wild pigeons.

**2. Migratory insectivorous birds:** Cuckoos; flickers and other woodpeckers; nighthawks or bullbats and whip-poor-wills; swifts; hummingbirds; flycatchers, bobolinks, meadow larks, and orioles; grosbeaks; tanagers; martins and other swallows; waxwings; shrikes; vireos; warblers; pipits; catbirds and brown thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnat catchers; robins and other thrushes; and all other perching birds which feed entirely or chiefly on insects.

**3. Other migratory nongame birds:** Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

#### Regulation 8.—Permits to Propagate and Sell Migratory Waterfowl

1. A person may take in any manner and at any time migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person authorized by a permit issued by the Secretary may possess, buy, sell, and transport migratory waterfowl and their increase and eggs in any manner and at any time for propagating purposes; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at any time, in any manner, except that they may be killed by shooting only during the open season for waterfowl in the State where killed, and the carcasses, with heads and feet attached thereto, of the birds so killed may be sold and transported by him in any manner and at any time to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no migratory waterfowl killed by shooting shall be bought or sold unless each bird before attaining the age of 4 weeks shall have had removed from the web of one foot a portion thereof in the form of a V large enough to make a permanent, well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.



3. Any package in which such waterfowl or parts thereof or their eggs are transported shall have plainly and conspicuously marked on the outside thereof the name and address of the permittee, the number of his permit, the name and address of the consignee, and an accurate statement of the number and kinds of birds or eggs contained therein.

4. Applications for permits must be addressed to the Secretary of Agriculture, Washington, D.C., and must contain the following information: Name and address of applicant; place where the business is to be carried on; number of acres of land used in the business and whether owned or leased by the applicant; number of each species of waterfowl in possession of applicant; names of species and number of birds or eggs of each species if permission is asked to take waterfowl or their eggs; and the particular locality where it is desired to take such waterfowl or eggs.

5. A person granted a permit under this regulation shall keep books and records which shall correctly set forth the total number of each species of waterfowl and their eggs possessed on the date of application for the permit and on the 1st day of each January next following; also for each calendar year during the life of the permit the total number of each species reared and killed, number of each species and their eggs sold and transported, manner in which such waterfowl and eggs were transported, name and address of each person from or to whom waterfowl and eggs were purchased or sold, together with the number and species and whether sold alive or dead, and the date of each transaction. A report setting forth this information shall be annually furnished the Secretary during the month of January for the preceding calendar year.

6. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records of such permittee relating thereto.

7. A permit issued under this regulation shall be valid until revoked by the Secretary unless otherwise specified therein, shall not be transferable, and may be revoked by the Secretary, if the permittee violates any of the provisions of the Migratory Bird Treaty Act or of the regulations thereunder. A permit duly revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of Agriculture duly authorized to enforce the provisions of the Migratory Bird Treaty Act.

8. A person may possess and transport for his own use, without a permit, live migratory waterfowl now lawfully possessed or hereafter lawfully acquired by him, but he may not purchase or sell such waterfowl without a permit. A State or municipal game farm or city park may possess, purchase, sell, and transport live migratory waterfowl without a permit, but no such waterfowl shall be purchased from or sold to a person (other than such State or municipal game farm or city park) unless he has a permit. The feathers of wild ducks and wild geese lawfully killed, and feathers of such birds seized and condemned by Federal or State game authorities may be possessed, bought, sold, and transported, for use in making fishing flies, bed pillows, and mattresses, and for similar commercial purposes but not for millinery or ornamental purposes.

[As amended Oct. 25, 1918; July 9, 1920; and Apr. 10 and June 11, 1923.]